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Attorneys for Defendants
MARRIOTT INTERNATIONAL, INC.
(Erroneously sued herein as Marriott of San
Francisco) and SAM SNOWDEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD E. WILMSHURST,
Plaintiff,

v.

MARRIOTT OF SAN FRANCISCO, SAM
SNOWDEN, IGNATIUS CHINN,
WILLIAM LOCKYER, BLAKE
GRAHAM, LEE CAREAGA, JOHN
MARSH, and KISU YO AND DOES 1
through 100,
Defendants.

Case No. C-07-03790 WHA

**NOTICE OF MOTION AND MOTION OF
DEFENDANTS MARRIOTT
INTERNATIONAL, INC. AND SAM
SNOWDEN IN SUPPORT OF MOTION TO
DISMISS PURSUANT TO FRCP 12(b)(5)
and 12(b)(6)**

Date: January 17, 2008
Time: 8:00 a.m.
Courtroom: 9
Judge: Hon. William H. Alsup

TO PLAINTIFF IN PROPRIA PERSONA:

PLEASE TAKE NOTICE that at the date, time, and place set forth above defendants Marriott International, Inc. (erroneously sued herein as Marriott of San Francisco) and Sam Snowden will move the Court to dismiss the complaint filed in this action pursuant to Federal Rule of Civil Procedure 12(b)(5) on the grounds that Plaintiff failed to serve summons and complaint on defendant within 120 days of the filing of the instant action as required by Federal Rule of Civil Procedure 4(m) and pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that each of the claims are barred by the applicable statute of limitations and on the further ground that the complaint fails to state facts sufficient to constitute a cause of action.

1 This Motion is based on this Notice and Motion, the Memorandum of Points and
2 Authorities filed herewith, the Declaration of GayLynn Conant, the pleadings and papers filed
3 herein, and on such other matters as may be brought to the attention of the Court and the parties at
4 or before the hearing on this Motion.

5 Dated: December 6, 2007

LOMBARDI, LOPER & CONANT, LLP

7 By: /s/ GayLynn Kirn Conant
8 GAYLYNN KIRN CONANT
9 Attorneys for Defendants
10 MARRIOTT INTERNATIONAL, INC.
11 (Erroneously sued herein as Marriott of
12 San Francisco) and SAM SNOWDEN
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